

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GS HOLISTIC, LLC,

Plaintiff,

v.

ONWARD MEDIA LLC, et al.,

Defendants.

CASE NO. C23-0400JLR

ORDER

Before the court is Plaintiff GS Holistic, LLC's ("GS Holistic") second motion for an extension of time to perfect service on Defendants Jonathan Stephani and Rahn Burns (together, "Defendants"). (Mot. (Dkt. # 11); *see* 6/15/23 Order (Dkt. # 10) (finding that GS Holistic had not demonstrated good cause for its failure to serve Defendants before the 90-day deadline set forth in Federal Rule of Civil Procedure 4(m) but nevertheless granting a 60-day extension of the service deadline).) The court GRANTS in part GS Holistic's motion.

Federal Rule of Civil Procedure 4 requires a plaintiff to serve the defendant with a

1 summons and a copy of the complaint and sets forth the specific requirements for doing
2 so. *See* Fed. R. Civ. P. 4. Rule 4(m), which provides the timeframe in which service
3 must be effectuated, states in relevant part:

4 If a defendant is not served within 90 days after the complaint is filed, the
5 court—on motion or on its own after notice to the plaintiff—must dismiss
6 the action without prejudice against that defendant or order that service be
7 made within a specified time. But if the plaintiff shows good cause for the
8 failure, the court must extend the time for service for an appropriate period.

7 *Id.*

8 GS Holistic filed this action on March 16, 2023. (Compl. (Dkt. # 1).) As a result,
9 Rule 4(m)’s 90-day deadline for effectuating service of process expired on June 14, 2023.
10 Fed. R. Civ. P. 4(m). On June 15, 2023, the court granted GS Holistic’s first motion for a
11 60-day extension of the deadline to serve Defendants Onward Media LLC, Brian Snow,
12 Rahn Burns, and Jonathan Stephani, despite finding that GS Holistic had not
13 demonstrated good cause for its failure to effectuate service before the Rule 4(m)
14 deadline. (6/15/23 Order at 2-3.) The court ordered GS Holistic to file proof of service
15 on these Defendants by no later than August 13, 2023, and warned GS Holistic that
16 (1) failure to do so could result in dismissal without prejudice of its claims against those
17 Defendants and (2) further extensions of the deadline to serve those Defendants would
18 not be granted absent exceptional circumstances. (*Id.* at 2-3.)

19 Since the court issued its June 15, 2023 order, GS Holistic has served Defendants
20 Onward Media LLC and Brian Snow. (*See* Affs. of Service (Dkt. ## 9-10).) GS Holistic
21 has not, however, served Mr. Stephani and Mr. Burns. (*See* Mot.). GS Holistic
22 represents that it provided an address to its process server on July 6, 2023, but it is

1 “having difficulties getting updates from Burke Process Server.” (*Id.* ¶¶ 3-4.) Burke’s
2 manager “stated that the services were sent as a priority and was waiting to hear back
3 from the local Process Server.” (*Id.* ¶¶ 5-6; *see id.*, Ex. A (email thread between GS
4 Holistic’s corporate counsel’s staff and its process server).) GS Holistic now asks the
5 court to extend the Rule 4(m) deadline by an additional 60 days to allow it to perfect
6 service on Defendants “either personally or by publication.” (*Id.* ¶ 8.)

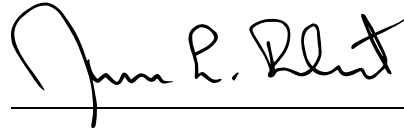
7 The court has reviewed the materials that GS Holistic filed in support of its second
8 motion for an extension of time to perfect service and concludes that GS Holistic has not
9 established exceptional circumstances, let alone good cause, that would justify a further
10 extension of time. (*See* 6/15/23 Order); Fed. R. Civ. P. 4(m). In particular, the court
11 notes that GS Holistic has not provided any substantiation of its efforts to serve
12 Defendants, such as declarations of non-service. (*See generally* Mot.) In addition, GS
13 Holistic says nothing about its efforts to locate other addresses for Defendants. (*Id.*)
14 This lack of substantiation prevents the court from evaluating the efforts GS Holistic has
15 made to serve Defendants since the court issued its June 15, 2023 order. Nevertheless,
16 the court will GRANT in part GS Holistic’s motion (Dkt. # 11) and extend the deadline
17 for GS Holistic to perfect service on Defendants for an additional **30** days. GS Holistic
18 shall file proof of service on Defendants by no later than **September 12, 2023**. This
19 order does not grant GS Holistic leave to serve Defendants by publication or by any other
20 means. Failure to timely file proof of service will result in the dismissal without

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1 prejudice of GS Holistic's claims against Defendants. No further extensions of the
2 deadline to serve Defendants will be granted.

3 Dated this 22nd day of August, 2023.

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6 JAMES L. ROBART
7 United States District Judge
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